



INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)10/525270
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Applicant's or agent's file reference PD53524PC		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/EP 03/09395	International filing date (day/month/year) 25.08.2003	Priority date (day/month/year) 27.08.2002	
International Patent Classification (IPC) or both national classification and IPC G06T9/00			
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB ET AL.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 08.03.2004		Date of completion of this report 07.02.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Pierfederici, A Telephone No. +49 89 2399-2654 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/09395**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-10 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-6, 8-15
	No: Claims	1, 7, 16-17
Inventive step (IS)	Yes: Claims	
	No: Claims	2-6, 8-15
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: EP-A-0 311 807 (TOKYO SHIBAURA ELECTRIC CO) 19 April 1989 (1989-04-19)

1. ----- [lack of novelty - 1] -----

1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 7, 16 and 17 is not new in the sense of Article 33(2) PCT.

1.2 The document D1 discloses in terms of claim 1:

- "Method of determining the usability of a coded file ... obtaining at least one property of the coded file" (D1, column 9, line 49 - column 10, line 1);
- "matching the property against at least one application where the file could be used" (ibid.)
- "generating an indication... associating the indication ... about the use of the file in the application" (ibid.; Figure 6).

1.3 Claim 1 is therefore not new in the sense of Article 33(2) PCT.

1.4 A similar objection applies to the corresponding electronic device claim 7 and computer program claim 16 and 17.

2. ----- [lack of novelty - 2] -----

2.1 Furthermore, it is noted that, the subject matter of claim 1 is known since at least Windows 95, where file extensions are associated to application programs. About the "coded" file feature of claim 1, it is also noted that virtually any application file is coded some way.

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3. ----- [lack of inventive step] -----

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of dependent claims 2 and 9 does not involve an inventive step in the sense of Article 33(3) PCT.

3.2 In claim 2 a slight extension in the method of claim 1 is defined, namely the generation of the "usability indication (or flag)" based on **more than one** property, which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Moreover, in D1 all information data necessary thereof are already present (D1, col. 10, lines 29-52). Consequently, the subject-matter of claim 2 also lacks an inventive step.

3.3 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 9, which therefore is also considered not inventive.

4. ----- [dependent claims, negative assessment] -----

4.1 Dependent claims 3-6, 8, 10-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see document D1 and the corresponding passages cited in the search report.